

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

<b>DISABLED PATRIOTS OF AMERICA, INC.,</b>	:
<b>a Florida Not-For-Profit Corporation, and</b>	: <b>Case No.: 1:07-cv-06362</b>
<b>BONNIE KRAMER, Individually,</b>	:
	: <b>Judge Joan H. Lefkow</b>
<b>Plaintiffs,</b>	:
<b>v.</b>	:
	: <b><u>PLAINTIFFS' REPLY IN</u></b>
<b>TOWN &amp; COUNTRY CHICAGO ASSOCIATES,</b>	: <b><u>SUPPORT OF MOTION TO</u></b>
<b>LLC, A Foreign Limited Liability Company,</b>	: <b><u>COMPEL AND OPPOSITION TO</u></b>
	: <b><u>DEFENDANT'S RULE 11</u></b>
<b>Defendant.</b>	: <b><u>MOTION TO DISMISS</u></b>
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**EXHIBIT A  
PART I**

# ADA Accessibility Guidelines for Buildings and Facilities (ADAAG)

PDF version ADAAG Homepage

Download a zipped copy to your computer. Then, unzip files and install them in a single folder and open "adaag.htm."

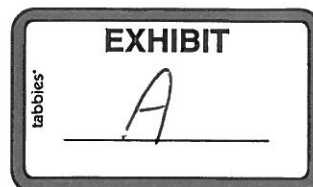
As amended through September 2002 About this Edition

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**1. PURPOSE.**

This document contains scoping and technical requirements for accessibility to buildings and facilities by individuals with disabilities under the Americans with Disabilities Act (ADA) of 1990. These scoping and technical requirements are to be applied during the design, construction, and alteration of buildings and facilities covered by titles II and III of the ADA to the extent required by regulations issued by Federal agencies, including the Department of Justice and the Department of Transportation, under the ADA.

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Paragraphs marked with an asterisk have related, nonmandatory material in the **Appendix**. In the Appendix, the corresponding paragraph numbers are preceded by an A.

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**2. GENERAL.**

**2.1 Provisions for Adults and Children.** The specifications in these guidelines are based upon adult dimensions and anthropometrics. These guidelines also contain alternate specifications based on children's dimensions and anthropometrics for drinking fountains, water closets, toilet stalls, lavatories, sinks, and fixed or built-in seating and tables.

**2.2\* Equivalent Facilitation.** Departures from particular technical and scoping requirements of this guideline by the use of other designs and technologies are permitted where the alternative designs and technologies used will provide substantially equivalent or greater access to and usability of the facility. **Appendix Note**

**2.3 Incorporation by Reference.**

**2.3.1 General.** The publications listed in 2.3.2 are incorporated by reference in this document. The Director of the Federal Register has approved these materials for incorporation by reference in accordance with 5U.S.C. 552(a) and 1 C.F.R. part 51. Copies of the referenced publications may be inspected at the Architectural and Transportation Barriers Compliance Board, 1331 F Street, NW., Suite 1000, Washington, DC; at the Department of Justice, Civil Rights Division, Disability Rights Section, 1425 New York Avenue, NW., Washington, DC; or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

**2.3.2 Referenced Publications.** The specific edition of the publications listed below are referenced in this document. Where differences occur between this document and the referenced publications, this document applies.

**2.3.2.1 American Society for Testing and Materials (ASTM) Standards.** Copies of the referenced publications may be obtained from the American Society for Testing and Materials, 100 Bar Harbor Drive, West Conshohocken, Pennsylvania 19428 (<http://www.astm.org>).



(a) At least one accessible route complying with **4.3** from a site access point to an accessible entrance shall be provided.

EXCEPTION: A ramp with a slope no greater than 1:6 for a run not to exceed 2 ft (610 mm) may be used as part of an accessible route to an entrance.

(b) At least one accessible entrance complying with **4.14** which is used by the public shall be provided.

EXCEPTION: If it is determined that no entrance used by the public can comply with **4.14**, then access at any entrance not used by the general public but open (unlocked) with directional signage at the primary entrance may be used. The accessible entrance shall also have a notification system. Where security is a problem, remote monitoring may be used.

(c) If toilets are provided, then at least one toilet facility complying with **4.22** and **4.1.6** shall be provided along an accessible route that complies with **4.3**. Such toilet facility may be unisex in design.

(d) Accessible routes from an accessible entrance to all publicly used spaces on at least the level of the accessible entrance shall be provided. Access shall be provided to all levels of a building or facility in compliance with **4.1** whenever practical.

(e) Displays and written information, documents, etc., should be located where they can be seen by a seated person. Exhibits and signage displayed horizontally (e.g., open books), should be no higher than 44 in (1120 mm) above the floor surface.

## **4.2 Space Allowance and Reach Ranges.**

**4.2.1\* Wheelchair Passage Width.** The minimum clear width for single wheelchair passage shall be 32 in (815 mm) at a point and 36 in (915 mm) continuously (see **Fig. 1** and **24(e)**). **Appendix Note**

**4.2.2 Width for Wheelchair Passing.** The minimum width for two wheelchairs to pass is 60 in (1525 mm) (see **Fig. 2**).

**4.2.3\* Wheelchair Turning Space.** The space required for a wheelchair to make a 180-degree turn is a clear space of 60 in (1525 mm) diameter (see **Fig. 3(a)**) or a T-shaped space (see **Fig. 3(b)**). **Appendix Note**

### **4.2.4\* Clear Floor or Ground Space for Wheelchairs.**

**4.2.4.1 Size and Approach.** The minimum clear floor or ground space required to accommodate a single, stationary wheelchair and occupant is 30 in by 48 in (760 mm by 1220 mm) (see **Fig. 4(a)**). The minimum clear floor or ground space for wheelchairs may be positioned for forward or parallel approach to an object (see **Fig. 4(b)** and **(c)**). Clear floor or ground space for wheelchairs may be part of the knee space required under some objects.

**4.2.4.2 Relationship of Maneuvering Clearance to Wheelchair Spaces.** One full unobstructed side of the clear floor or ground space for a wheelchair shall adjoin or overlap an accessible route or adjoin another wheelchair clear floor space. If a clear floor space is located in an alcove or otherwise confined on all or part of three sides, additional maneuvering clearances shall be provided as shown in **Fig. 4(d)** and **(e)**.

**4.2.4.3 Surfaces for Wheelchair Spaces.** Clear floor or ground spaces for wheelchairs shall comply with **4.5**. **Appendix Note**

**4.2.5\* Forward Reach.** If the clear floor space only allows forward approach to an object, the maximum high

#### **4.3.11 Areas of Rescue Assistance.**

**4.3.11.1 Location and Construction.** An area of rescue assistance shall be one of the following:

- (1) A portion of a stairway landing within a smokeproof enclosure (complying with local requirements).
- (2) A portion of an exterior exit balcony located immediately adjacent to an exit stairway when the balcony complies with local requirements for exterior exit balconies. Openings to the interior of the building located within 20 feet (6 m) of the area of rescue assistance shall be protected with fire assemblies having a three- fourths hour fire protection rating.
- (3) A portion of a one-hour fire-resistive corridor (complying with local requirements for fire-resistive construction and for openings) located immediately adjacent to an exit enclosure.
- (4) A vestibule located immediately adjacent to an exit enclosure and constructed to the same fire-resistive standards as required for corridors and openings.
- (5) A portion of a stairway landing within an exit enclosure which is vented to the exterior and is separated from the interior of the building with not less than one-hour fire-resistive doors.
- (6) When approved by the appropriate local authority, an area or a room which is separated from other portions of the building by a smoke barrier. Smoke barriers shall have a fire-resistive rating of not less than one hour and shall completely enclose the area or room. Doors in the smoke barrier shall be tight-fitting smoke- and draft-control assemblies having a fire-protection rating of not less than 20 minutes and shall be self-closing or automatic closing. The area or room shall be provided with an exit directly to an exit enclosure. Where the room or area exits into an exit enclosure which is required to be of more than one-hour fire- resistive construction, the room or area shall have the same fire- resistive construction, including the same opening protection, as required for the adjacent exit enclosure.
- (7) An elevator lobby when elevator shafts and adjacent lobbies are pressurized as required for smokeproof enclosures by local regulations and when complying with requirements herein for size, communication, and signage. Such pressurization system shall be activated by smoke detectors on each floor located in a manner approved by the appropriate local authority. Pressurization equipment and its duct work within the building shall be separated from other portions of the building by a minimum two-hour fire- resistive construction.

**4.3.11.2 Size.** Each area of rescue assistance shall provide at least two accessible areas each being not less than 30 inches by 48 inches (760 mm by 1220 mm). The area of rescue assistance shall not encroach on any required exit width. The total number of such 30-inch by 48-inch (760 mm by 1220 mm) areas per story shall be not less than one for every 200 persons of calculated occupant load served by the area of rescue assistance.

EXCEPTION: The appropriate local authority may reduce the minimum number of 30-inch by 48-inch (760 mm by 1220 mm) areas to one for each area of rescue assistance on floors where the occupant load is less than 200.

**4.3.11.3\* Stairway Width.** Each stairway adjacent to an area of rescue assistance shall have a minimum clear width of 48 inches between handrails. **Appendix Note**

**4.3.11.4\* Two-way Communication.** A method of two-way communication, with both visible and audible signals, shall be provided between each area of rescue assistance and the primary entry. The fire department or appropriate local authority may approve a location other than the primary entry.



forward reach allowed shall be 48 in (1220 mm) (see **Fig. 5(a)**). The minimum low forward reach is 15 in (380 mm). If the high forward reach is over an obstruction, reach and clearances shall be as shown in **Fig. 5(b)**.

**Appendix Note**

**4.2.6\* Side Reach.** If the clear floor space allows parallel approach by a person in a wheelchair, the maximum high side reach allowed shall be 54 in (1370 mm) and the low side reach shall be no less than 9 in (230 mm) above the floor (**Fig. 6(a)** and **(b)**). If the side reach is over an obstruction, the reach and clearances shall be as shown in **Fig 6(c)**. **Appendix Note**

**4.3 Accessible Route.**

**4.3.1\* General.** All walks, halls, corridors, aisles, skywalks, tunnels, and other spaces that are part of an accessible route shall comply with **4.3**. **Appendix Note**

**4.3.2 Location.**

(1) At least one accessible route within the boundary of the site shall be provided from public transportation stops, accessible parking, and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance they serve. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public.

(2) At least one accessible route shall connect accessible buildings, facilities, elements, and spaces that are on the same site.

(3) At least one accessible route shall connect accessible building or facility entrances with all accessible spaces and elements and with all accessible dwelling units within the building or facility.

(4) An accessible route shall connect at least one accessible entrance of each accessible dwelling unit with those exterior and interior spaces and facilities that serve the accessible dwelling unit.

**4.3.3 Width.** The minimum clear width of an accessible route shall be 36 in (915 mm) except at doors (see **4.13.5** and **4.13.6**). If a person in a wheelchair must make a turn around an obstruction, the minimum clear width of the accessible route shall be as shown in **Fig. 7(a)** and **(b)**.

**4.3.4 Passing Space.** If an accessible route has less than 60 in (1525 mm) clear width, then passing spaces at least 60 in by 60 in (1525 mm by 1525 mm) shall be located at reasonable intervals not to exceed 200 ft (61 m). A T-intersection of two corridors or walks is an acceptable passing place.

**4.3.5 Head Room.** Accessible routes shall comply with **4.4.2**.

**4.3.6 Surface Textures.** The surface of an accessible route shall comply with **4.5**.

**4.3.7 Slope.** An accessible route with a running slope greater than 1:20 is a ramp and shall comply with **4.8**. Nowhere shall the cross slope of an accessible route exceed 1:50.

**4.3.8 Changes in Levels.** Changes in levels along an accessible route shall comply with **4.5.2**. If an accessible route has changes in level greater than 1/2 in (13 mm), then a curb ramp, ramp, elevator, or platform lift (as permitted in **4.1.3** and **4.1.6**) shall be provided that complies with **4.7**, **4.8**, **4.10**, or **4.11**, respectively. An accessible route does not include stairs, steps, or escalators. See definition of "egress, means of" in **3.5**.

**4.3.9 Doors.** Doors along an accessible route shall comply with **4.13**.

**4.3.10\* Egress.** Accessible routes serving any accessible space or element shall also serve as a means of egress for emergencies or connect to an accessible area of rescue assistance. **Appendix Note**